

Monday, 28 April 1947.

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INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Chambers of the Tribunal  
War Ministry Building,  
Tokyo, Japan.

PROCEEDING IN CHAMBERS

ON

Application of the Defense for the  
production of witness Major General  
JOHN R. BEANE, USA (Retired).

Before:

HON. SIR WILLIAM WEBB,  
President of the Tribunal and  
Member from the Commonwealth  
of Australia.

Reported by:

Jack Greenberg  
Chief Court Reporter,  
IMTFE

Appearances:

For the Defense Section:

MR. BEN B. BLAKENLY, Counsel for the  
accused UMEZU, Yoshijiro;  
MR. GEORGE A. FURNESS, Counsel for  
the accused SHIGEMITSU, Mamoru.

For the Office of the General Secretary - IMTFE

MR. C. A. MANTZ, Clerk of the Court.  
MR. PAUL LYNCH, Deputy Clerk of the Court.  
JUDGE E. H. DELL, Legal Adviser.

The proceedings were begun at 0900.

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THE PRESIDENT: This is Paper No. 878, an application by the chairman of the defense counsel committee for the Russian phase for a witness, John R. Deane, Major General, USA, Retired. He is to prove the state of military preparation by Russia in the Far East during 1942 to 1945 and other relevant matters. You don't know his address; you think he is in New York. Do you mean you want him, Mr. Blakeney, or will an interrogation be sufficient -- an affidavit?

MR. BLAKENEY: I think the affidavit will be sufficient if it were admissible. But, in view of our uncertainty about the admissibility of such documents, we thought it safer to request his attendance. He has recorded himself fully in a book recently published, and I am sure he will give an affidavit to the same effect.

THE PRESIDENT: Why won't we admit the affidavit? I have never known one to be rejected where the material is, in the opinion of the Court, relevant and material.

MR. FUMESS: Would a book be admissible?

THE PRESIDENT: A book by a man like that

may be; I don't know.

MR. BLAKENEY: It is a rather important question.

THE PRESIDENT: He is an expert, isn't he?

MR. BLAKENEY: He can swear to the contents of the book if we want to use that, say if we can make that the affidavit.

THE PRESIDENT: If I were you, I would try a book first. However, the Court may take a different view.

MR. BLAKENEY: Then it would be too late if the Court does take a different view; we would be foreclosed from producing the evidence.

MR. FURNESS: The prosecution isn't here this morning; I don't know why.

THE PRESIDENT: He was an American Major General in the Far East?

MR. BLAKENEY: Yes. He was the Chief of the American Military Mission in Moscow during the years 1942 to 1945.

THE PRESIDENT: Well, I would hesitate to say an excerpt from a book like that would be rejected. We are not rejecting material simply because it is from books, you know.

MR. BLAKENEY: Well, of course, out of an

abundance of precaution we thought it best to ask his attendance. If we had any assurance that the book would be admissible, that would suit our purposes.

THE PRESIDENT: I couldn't give it to you.

MR. BLAKENEY: I know. That's our difficulty.

MR. FURNESS: What's the prosecution's attitude? Aren't they committing themselves?

THE PRESIDENT: Well, I think that for the time being, we'll order facilities for his interrogation, Major Blakeney.

MR. BLAKENEY: That will be very satisfactory.

THE PRESIDENT: Make an order for facilities for the interrogation of the witness, Major General John R. Deane, USA.

MR. BLAKENEY: May I ask, as a matter of --

MR. FURNESS: He is not now a Major General; he is retired.

MR. BLAKENEY: May I ask, as a matter of interpretation, whether the facilities for interrogation authorizes us simply to take his affidavit, that is to say, to proceed ex parte, or must we submit interrogatories?

THE PRESIDENT: No, it is not necessary. If you get an affidavit from him, it will be sufficient.

MR. BLAKENEY: Very good. Thank you, sir.

THE PRESIDENT: His interrogation there covers sworn answers to interrogatories. That is what is intended.

(Whereupon, the proceeding was concluded at 0910.)

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